

ORIGINAL

RECEIVED

JAN 13 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Amendment of the Commission's
Rules to Establish New Personal
Communications Services

)
) GEN Docket No. 90-314
)
) RM-7140, RM-7175, RM-7618
)

**WIRELESS INFORMATION NETWORKS FORUM
REPLY COMMENTS ON PETITIONS FOR RECONSIDERATION**

The Wireless Information Networks Forum ("WINForum"), by its attorneys, hereby submits its reply to oppositions and comments on the Petitions for Reconsideration regarding unlicensed Personal Communications Service ("PCS") devices.¹ In its comments, WINForum filed a petition seeking limited, industry consensus modifications to the rules adopted by the Commission to track more closely the original WINForum Spectrum Etiquette. Most parties, both in separately filed petitions and in their comments, have supported WINForum's proposed modifications. However, a few commenters question whether WINForum's positions on the channelization plan and power measurement rules are the product of industry consensus. As discussed below, these charges are unfounded and unwarranted. WINForum's Spectrum Etiquette was entirely driven by consensus views in all respects and, absent compelling new technical evidence, should guide the Commission's deliberations on the pending Petitions for Reconsideration.

¹ Amendment of the Commission's Rules to Establish New Personal Communications Services, 58 Fed. Reg. 59174 (rel. Oct. 22, 1993) ["PCS Order"].

No. of Copies rec'd
List A B C D E

0711

In its Petition for Limited Clarification or Modification, WINForum suggested a number of minor changes to conform the Part 15 rules to the original Spectrum Etiquette submitted by WINForum on behalf of the wireless industry. Other petitioners and commenters support these proposals. In particular, parties have agreed with WINForum that the Part 15 rules should be modified to increase from 1 to 30 seconds the limitation for control and signalling information in Section 15.321(c)(4);² remove the isochronous packing rule in Section 15.321(b);³ clarify the emissions limits in Sections 15.321(d) and 15.323(d);⁴ allow duplex (two-way) connections by adding a new Section 15.321(c)(10);⁵ and, alter the method of power measurement prescribed in Section 15.319(c).⁶ Adoption of these proposed changes will increase both the utility and the economic viability of unlicensed device systems for the public.

² See *WINForum Petition* at 4; *Petition for Reconsideration of AT&T* at Appendix B p. 12, GEN Docket No. 90-314 (filed Dec. 8, 1993) [*AT&T Petition*]; *Petition for Reconsideration of Motorola Inc.* at 14, GEN Docket No. 90-314 (filed Dec. 8, 1993) [*Motorola Petition*]; *Petition for Reconsideration of Northern Telecom* at 23-26, GEN Docket No. 90-314 (filed Dec. 8, 1993) [*Northern Telecom Petition*]; *Petition for Reconsideration of Spectralink Corporation* at 8-9, GEN Docket No. 90-314 (filed Dec. 8, 1993) [*Spectralink Petition*].

³ See *WINForum Petition* at 4-5; *Petition for Reconsideration of Apple Computer, Inc.* at 5-6, GEN Docket No. 90-314 (filed Dec. 8, 1993) [*Apple Petition*]; *AT&T Petition* at B10-B11; *Motorola Petition* at 13; *Northern Telecom Petition* at 23-26; *Spectralink Petition* at 9-10; *Comments of Apple Computer, Inc.* at 2, GEN Docket No. 90-314 (filed Jan. 3, 1994) [*Apple Comments*]; *Comments of Ericsson Corporation* at A11, GEN Docket No. 90-314 (filed Jan. 3, 1994) [*Ericsson Comments*]; *Comments of ROLM, a Siemens Corporation* at 2, GEN Docket No. 90-314 (filed Jan. 3, 1994) [*Rolm Comments*].

⁴ See *WINForum Petition* at 5; *Apple Petition* at 6-7; *AT&T Petition* at B15, B19; *Northern Telecom Petition* at 23-26; *Rolm Comments* at 2-3.

⁵ See, *WINForum Petition* at 6; *AT&T Petition* at B10; *Petition for Reconsideration of Ericsson Corporation* at Appendix A pp. 1-2, GEN Docket No. 90-314 (filed Dec. 8, 1993) [*Ericsson Petition*]; *Motorola Petition* at 15; *Northern Telecom Petition* at 23-26; *Spectralink Petition* at 6-7; *Ericsson Comments* at A7; *Comments of Omnipoint Corporation, Inc.* at 3-4, 11-12, GEN Docket No. 90-314 (filed Jan. 3, 1994) [*Omnipoint Comments*]; *Rolm Comments* at 2.

⁶ See *WINForum Petition* at 6; *AT&T Petition* at B8.

Notwithstanding the broad support for the Spectrum Etiquette and the proposed modifications, a few parties have elected to attack the propriety of the procedures used to develop WINForum's positions. Both Ericsson and Omnipoint, for example, have attempted to resurrect their previously rejected proposals to rechannelize the unlicensed device bands by stating, for example, that WINForum's position was "not the conclusion of a majority of WINTech participants."⁷ Additionally, Ericsson opposes allowing the peak envelope to exceed, by 10 dB, the maximum power limit by stating that "WINForum made a mistake, in including this suggestion since this was not decided at the last WINTech meeting."⁸ Finally, Pacific Bell and Nevada Bell argue that the entire Spectrum Etiquette should be reopened by sending the Etiquette to be reviewed in what it describes as an "open industry forum."⁹ These claims vastly distort the procedures used to develop the Spectrum Etiquette, and constitute an illegitimate attempt to create issues where none exist.

WINForum's Spectrum Etiquette represents the consensus of a well-attended industry forum. Like other standards bodies, however, WINForum operates under a number of procedural protections designed to assure that minority positions are not given short shrift by a simple majority. First, at the working group or WINTech level, WINForum requires a vote of at least two-thirds of the members present and voting to approve or change any position. Second, WINForum has an elected Board of Directors that reviews the positions of

⁷ See, e.g., *Omnipoint Comments* at 8. While Omnipoint also notes that "more than 70% of the members of Telocator Technical & Engineering Committee [agreed] that 5 MHz channels should be allowed throughout the entire 20 MHz of the isochronous band," Telocator did not comment on this matter because the association did not establish a position. *Id.*

⁸ *Ericsson Comments* at 8.

⁹ Comments of Pacific Bell and Nevada Bell at iii, 10-11, GEN Docket No. 90-314 (filed Jan. 3, 1994).

the WINForum technical committees to ensure that any public positions are consistent with the best interests of the industry as a whole. In no case, however, has the WINForum Board of Directors overruled any position approved by a vote of two-thirds of WINTech. A "simple majority" does not, in all cases, meet the procedural requirements to form a WINForum position.

Ericsson's statement that the WINForum request for reconsideration regarding the peak power envelope is similarly incorrect. The specific position was reviewed and approved *twice* by WINTech in meetings in both March and April of 1993. The position was subsequently approved *twice* by the WINForum Board of Directors in both May and June of 1993. Upon noting that the FCC had eliminated the section from the Part 15 rules, the issue was placed on a list of discussion items for WINTech, but discussions were not completed due to time constraints. Owing to the importance of the peak power issue to asynchronous unlicensed data devices and in the absence of a *new* statement on the issue, the Board of Directors elected to reaffirm its prior statement upon reconsideration. WINForum's statement on peak power, however, is and has been a duly approved WINTech and WINForum position.

For the foregoing reasons, WINForum respectfully requests the Commission to reconsider its Part 15 rules for unlicensed devices to conform the regulations more closely to the WINForum Spectrum Etiquette. WINForum also urges the Commission to maintain the channelization and power measurement rules adopted in the *Second Report and Order*. Contrary to assertions by a few parties, WINForum has and will continue to serve the best interests of the unlicensed device community by seeking out consensus, not raw majority,

among its members. Only in this manner can technical diversity in unlicensed devices be protected and competition fostered.

Respectfully submitted,

**WIRELESS INFORMATION
NETWORKS FORUM**

By:

R. Michael Senkowski

R. Michael Senkowski

Robert J. Butler

Eric W. DeSilva

WILEY, REIN & FIELDING

1776 K Street, N.W.

Washington, D.C. 20554

Its Attorneys.

January 13, 1994

CERTIFICATE OF SERVICE

I hereby certify that on this 13rd day of January, 1994, I caused copies of the foregoing "Comments" to be mailed via first-class postage prepaid mail to the following:

James F. Lovette
Apple Computer, Inc.
One Infinite Loop, MS: 301-4J
Cupertino, CA 95014

Henry Goldberg
Goldberg, Godles, Wiener & Wright
1229 19th Street, N.W.
Washington, DC 20036

Francine J. Berry
Kathleen F. Carroll
Sandra Williams Smith
AT&T
Room 3244J1
295 North Maple Avenue
Basking Ridge, NJ 07920

David C. Jatlow
Young & Jatlow
2300 N Street, N.W., Suite 600
Washington, DC 20037

Michael D. Kennedy
Stuart E. Overby
Motorola Inc.
1350 I Street, N.W., Suite 400
Washington, DC 20005

Gary K. Jones
Omnipoint Corporation, Inc.
7150 Campus Drive
Colorado Springs, CO 80920

James P. Tuthill
Betsy S. Granger
Theresa L. Cabral
Pacific Bell & Nevada Bell
140 New Montgomery Street, Rm. 1529
San Francisco, CA 94105

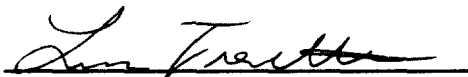
Peter Kozdon
ROLM, a Siemens Company
4900 Old Ironsides Dr.
Santa Clara, CA 95052-8075

Stephen L. Goodman
Halprin, Temple & Goodman
1301 K Street, N.W.
Suite 1020, East Tower
Washington, DC 20005

Linda C. Sadler
Rockwell International Corporation
1745 Jefferson Davis Highway
Arlington, VA 22202

Chandos Rypinski
LACE, Inc.
655 Redwood Highway #340
Mill Valley, CA 94941

Catherine Wang
Margaret M. Charles
Swidler & Berlin, Chtd
3000 K Street, N.W., Ste 300
Washington, DC 20007


Lisa Frenette